



MONITORING AND DOCUMENTATION UNIT OCTOBER - DECEMBER 2005 REPORT

Introduction

This is the fourth quarterly report for 2005 by Al-Haq's Monitoring and Documentation Unit, covering the period from October to December 2005. This report highlights specific human rights violations and patterns of abuse that came to the attention of the Unit during this time.

First-hand documentation by Al-Haq's Monitoring and Documentation Unit constitutes the backbone of all other projects and activities undertaken by the organisation, and is gathered throughout the West Bank by Al-Haq's fieldworkers, who obtain data and affidavits from victims and eyewitnesses of human rights violations. Al-Haq has no fieldworkers in the Gaza Strip, where it therefore relies on the documentation of Palestinian partner organisations. While the Unit documents only a certain number of human rights violations in a comprehensive manner (killings, house demolitions, curfews, and deportations), other violations are also regularly documented. The information gathered is channelled into Al-Haq's various activities, such as campaigns, advocacy at the local and international levels, press releases, interventions, and legal research reports.

In light of Israel's sustained and illegal occupation of the West Bank, including East Jerusalem, and the Gaza Strip – together constituting the Occupied Palestinian Territories (OPT) – since 1967, Al-Haq's monitoring and documentation activities have traditionally been directed towards the violations committed by Israel, the Occupying Power. However, Al-Haq also monitors and documents violations by the Palestinian National Authority (PNA).

The Human Rights Situation since the Beginning of the Second *Intifada*

In order to understand the human rights violations which took place in 2005, it is important to put them within the context of the deterioration of the general human rights situation since the outbreak of the second *intifada* in 2000, and the continuous disregard by Israel for international human rights and humanitarian law in the OPT.

According to Al-Haq's documentation, since the outbreak of the second *intifada* until the end of December 2005, 1,575 Palestinians were killed in the West Bank, 302 of whom were children, and 86 of whom were women and young girls. It is estimated that 250 were killed in targeted assassinations. In most cases, the killings were committed either by Israeli occupying forces or by special undercover units, and occurred in situations in which there were no confrontations. In the case of house demolitions, Al-Haq documented that during the same time period, 438 homes were totally demolished in the West Bank, thereby displacing 3,004 people. Jenin and Hebron witnessed the largest number of houses demolished as a punitive measure. Israel has also carried out a large number of house demolitions on the pretext that they were built without the required license. Since 2004, 313 houses have been demolished for lack of license, of which 151 in East Jerusalem alone.

The second *intifada* has not only multiplied Israeli violations but also nearly eliminated the already limited authority of the PNA in the OPT. Despite this, the actions and inactions of the PNA must be held to international legal standards, with which they do not always conform. With the gradual re-establishment of the authority of the PNA, the main problem encountered is its inability to uphold law and order.

Violations in October–December 2005

The Occupying Power

Restrictions on Palestinians' **freedom of movement** remained one of the most widespread forms of human rights violations. Checkpoints and road blocks physically prevented Palestinians from moving freely within the West Bank. Since the last report, there was an increase in "flying checkpoints" on the roads in and out of Nablus, Jenin, and Hebron. And since the fatal stabbing of an Israeli soldier at Qalandiya checkpoint, between Ramallah and Jerusalem, in December, there were complete shut-downs of certain checkpoints at particular times, thus making travel extremely difficult and unpredictable for the Palestinian civilian population. On 8 December 2005, Qalandiya checkpoint was closed for ten consecutive days, during which Palestinians living on one side of the checkpoint trying to reach the other side found it nearly, if not totally, impossible to travel back and forth. Some checkpoints have also been installed around schools. Children arrived late for school, or in some cases not at all, due to the delays at checkpoints. These new checkpoints only further added to the every-day pressure and stress, to which students of all ages were subjected. A school employee described such a checkpoint to Al-Haq.

Closely linked with restrictions imposed on movement is **ill-treatment at checkpoints**. During the reporting period, Al-Haq fieldworkers reported that soldiers harassed people, either physically through beatings, or mentally, by forcing them to wait at one end of the checkpoint for hours before slowly letting them through. Some peoples' journeys increased by several hours purely due to the delay imposed on them by the soldiers at the checkpoints. At Qalandiya checkpoint, which has been physically changed from a makeshift construction into a seemingly permanent structure comparable to a border terminal, ill-treatment still prevails at a similar level. During rush hours, people are forced to queue for up to several hours before being allowed to pass through a turnstile, one at a time, only to stand and wait at another.

An inspection room was erected beside the school in order to inspect the students who come to school. On 19 November 2005, the Israeli soldiers asked the students and teachers to pass through this room to be inspected by an electronic inspection machine. At first, all the students and teachers rejected the decision and as a result the school closed from 19 November until 24 November ... I passed through that room and saw the electronic inspection machine, which is similar to the machine used at the entrance of the Ibrahimi Mosque and in several other places. The difference here is that this machine is set up in a room which has an entrance and an exit, and the doors are closed whilst all the students are inside this room. This is stressful for female students and female teachers and I do not know if this type of inspection may have side effects, other than the psychological ones, on those who pass through it.

Extract from Al-Haq Affidavit No. 2684/2005

Given by 'Muhammad Maher' Fahed al-Karaki (resident of Qaytoun, Hebron Governorate, West Bank)

At 5:50 pm (after waiting four hours), the turn of the woman in front of me came and I felt happy because my turn would be straight after. As that woman took her bag and left the electronic gate, which did not ring, she smiled and said "dogs," meaning the Israeli soldiers. A female Israeli soldier heard her and asked another soldier to return the Palestinian woman back to the end of the queue. But I heard her saying that she wanted to go home through Birzeit. I felt very angry because these soldiers control us in any way they like. I reached the electronic gate at 6:00 pm, emptied my bag on the table, and passed through the gate, which did not ring. These are the conditions: to pass through the gate without ringing, and to empty your bag. Finally, I got out of Qalandiya checkpoint and after five minutes in the car I reached my home very tired physically, and broken psychologically.

Extract from Al-Haq Affidavit No. 2703/2005

Given by Sawsan Samir Gheith (resident of Beit Hanina, Jerusalem Governorate, West Bank)

Flying checkpoints (temporary checkpoints unpredictably erected in locations throughout the West Bank, including East Jerusalem) were also sites of incidents of harassment by Israeli soldiers. Seemingly random entry refusals and beatings occurred at the whim of the soldiers staffing these checkpoints. For instance, Iyad Mousa Daraghma was refused passage through a flying checkpoint, and, realising no one else had been refused, turned back around to make another attempt. This exposed him to the beatings and threats of the soldiers.

One of the soldiers told me through the megaphone to stop on the right side [of the road]. I stopped my car as they told me. Four soldiers got out of their jeep and asked me to get out of my car. One of them started to inspect my papers and the papers of the car while another took off his metal helmet and started beating me with his hands and helmet on my face and head. At that moment, another taxi arrived to the same place and the soldiers stopped it and did to the driver what they were doing to me. While the soldier was beating us, he was asking us about our destinations. We told him that we were proceeding towards Qalandiya. He told us that the area was closed and that we were not allowed to drive through it, whilst at the same time he continued to beat us. The beatings continued for seven to ten minutes. After that he told us not to use the road and if we did, he would "break" our cars.

Extract from Al-Haq Affidavit No. 2624/2005

Given by Iyad Mousa Daraghma (resident of al-Luban al-Sharqiyya, Nablus, West Bank)

Since the publication of the last quarterly report, there were many cases of **harassment** and violence

During the search, they pulled down the shutters of the windows, tore the couches (seven couches), broke the refrigerator, and dismantled its parts. Moreover, they broke items in our home such as five clay pots and a vacuum cleaner. One of the soldiers took the scarf off the head of my 17-year-old daughter Wala' and threw it on the ground, which made her cry. After three hours of searching ... they asked me to get out the weapons and I told them that I do not have weapons. They ordered me to accompany them. I followed them under the threat of arms to an area about 100 metres away from my home. We came to a big military vehicle which they use to transport the soldiers and they ordered me to lie on my back on the ground under the car. Then I heard a soldier saying in Hebrew, which I understand a little, to start the car. When I heard the motor of the car, I tried to get away from underneath the car. The soldiers started beating me and told me to stay under the car. I fought with them and during the fight, two soldiers fell down on the ground. At that point, a number of soldiers, approximately ten, started beating me until I lost consciousness.

Extract from Al-Haq Affidavit No. 2605/2005

Given by 'Abd-al-Ghani Abu-Turki (resident of al-Fahs, Hebron Governorate, West Bank)

against Palestinian civilians and destruction of their property during house searches. Al-Haq's fieldworkers documented cases in which Palestinians were subjected to sporadic beatings and interrogations for no apparent reason. On 29 September 2005, 'Abd-al-Ghani Abu-Turki was woken up at 1:40 am by Israeli soldiers about to search his home, a search that would result in the soldiers beating him unconscious.

In another particularly disturbing incident, which appears to be part of an emerging trend, 12-year-old Muhammad Fadel Qasem from Jenin Camp was severely mauled when Israeli soldiers let a large dog loose in the boy's house during a search at 2:00 am on 30 November.

While the dog was in the kitchen, I moved from my place and sat beside my sister Ayat who was crying out of fear. When the dog returned, it seemed to have noticed that I changed my place. Immediately, it bit my left thigh and pulled me. I felt severe pain in my thigh and started yelling at the top of my voice, "Dad, dad!" The dog dragged me from the upper floor to the ground floor, pulling me down the stairs, and then pulled me outside our home onto the street. I was shouting from the pain and felt the teeth of the dog deep in my thigh. On the street, I saw a large number of Israeli soldiers preparing their guns to shoot at me. My father ran after me and held me, although the dog still had its teeth in my flesh. The soldiers came near me and tried to detach me from the dog but the dog swallowed a piece of flesh from my left thigh.

Extract from Al-Haq Affidavit No. 2674/2005

Given by Muhammad Fadel Qasem (resident of the Jenin camp, Jenin Governorate, West Bank)

During the reporting period, there were incidents of Israeli occupying forces using **excessive force**, including cases in which the targeted Palestinians were unarmed. Little was done to investigate Palestinian civilian deaths, enabling these actions to persist with impunity. On 8 November, 'Ala Basel Salman al-Shushtari and three of his friends became victims of an excessive use of force while walking towards a local park. Of the three boys, one escaped unharmed, two were wounded, and one was killed.

I looked around and saw a number of Israeli soldiers opening heavy fire in all directions. The Israeli soldiers were only around 100 metres from us. As a result of this heavy fire, I was hit in my abdomen while a bullet hit Muhammad in his head. Muhammad instantly fell to the ground without uttering one word. He was bleeding heavily. I was shocked and felt incredibly frightened about what was happening in front of me. I saw the occupying forces looking at us whilst we were bleeding, without coming near us to see what happened. I heard them speak in their megaphones in Hebrew, which is a language I do not understand. As a result of my injury, I started to lose consciousness. When I regained consciousness I discovered I was in al-Itihad Hospital in Nablus, being treated for the injury in my abdomen. I stayed in the hospital for eight days. As for Mohammad, I was informed when I asked about him that he was killed. I was not surprised, because when he was hit in his head, I saw him vomiting food and blood together. As for the other two friends, I found out that Ahmad Fakhouri was not injured, but Ramzi Saqqa was hit in his left leg by a bullet.

Extract from Al-Haq Affidavit No. 2661/2005
 Given by 'Ala' Basel al-Shushtari (resident of Nablus City, Nablus Governorate, West Bank)

Al-Haq's documentation also showed continued instances of **willful killing** of Palestinians by Israeli forces. Wilful killings are a grave breach of the Fourth Geneva Convention. These killings included **targeted assassinations** – the act of intentionally taking a wanted person's life as the result of a policy decision, with political motivation and by surprise attack – which occurred especially in the areas in and around Nablus, Toulkarem, and Jenin. Israeli forces have not only resumed the practice of targeted assassinations, but also increased their frequency. On 17 November, Marwan Thaher 'Abahra witnessed the assassination of his young cousin and another man travelling in a Polo car by Israeli agents, and specifically stated that there were no prior attempts to apprehend the youths.

Suddenly, five people wearing black civilian clothes, black masks covering their faces, and carrying arms began shooting heavily at the Polo car. There was no more than five metres between the men and the Polo. I realized that these men were from the Israeli Special Squads ... In the lead up to the incident, and throughout it, I did not notice the presence of any Israeli military forces, nor did I hear any voice calling the two youths to stop their car before shooting at them. Moreover, I did not notice any arms in the Polo car or that they fired towards the Israeli Special Squads. The Israeli officials allege, through the media, that the soldiers asked the two youths to stop but they did not. As stated before, this is not true because there was no Israeli presence in that location when I was there. The Israeli Squads members could have arrested the two youths but they assassinated them intentionally.

Extract from Al-Haq Affidavit No.2681/2005
 Given by Marwan Thaher 'Abahra (resident of al-Yamoun, Jenin Governorate, West Bank)

During the reporting period, there were no punitive **house demolitions**, but several administrative (for lack of licence) and other demolitions. There was an increased fear among East Jerusalem Palestinians of further administrative demolitions, as the

Israeli government has officially approved of the building of new settlements in the "E-1 Plan," aiming to connect the Israeli settlement of Ma'ale Adumim to the Israeli-defined "municipal Jerusalem," thereby cutting ties between Palestinian East Jerusalemites and Palestinians in the rest of the OPT. With the continued construction of the Annexation Wall, Palestinian homes in and around its path were still being destroyed. In addition, the Israeli occupying forces carried out random demolitions, with no apparent reason for doing so. Such demolitions occurred more frequently in areas that were usually subjected to Israeli military incursions and curfews imposed by the Israeli forces, such as Nablus and Jenin.

I saw approximately 15 soldiers breaking into our home; all of them were carrying guns with lasers, and wearing night goggles on their eyes. The soldiers stayed for around half an hour inside our home, during which they carried out search operations. From outside, we could hear the sounds of them breaking the porcelain and glass contents of our home. The soldiers then left the house, carrying a big suitcase which they had taken from our home, and put it in one of the jeeps. Meanwhile, approximately 80 other soldiers accompanied by three big dogs broke into our home. These soldiers remained in our home until 6:00 am [*they had been there since 2:30 am*] before they started to leave. As they were leaving, I saw a wire with a button at the end in the hand of one of the soldiers. To me, this meant the wire was running through the inside of our home. Then, I realised that the Israeli army wanted to explode and demolish my home. Feeling both angry and sad, I hurried towards the wire in order to cut it and stop the demolition, but the soldiers threatened to shoot me. I looked down at myself and saw tens of small laser red lights on my body. I knew that the soldiers would kill me if I cut the wire, so I returned to my wife and children. The soldiers took us around 80 metres away from our house, and the jeeps started to move away too. At 7:00 am the demolition took place.

Extract from Al-Haq Affidavit No. 2595/2005

Given by Kamal Kamel Abu-Zeid (resident of Qabatiya, Jenin Governate, West Bank)

Inextricably tied in with administrative house demolitions is the issue of **land confiscation** in order to either expand existing illegal Israeli settlements or construct the Annexation Wall. Al-Haq's monitoring of the situation on the ground indicated that Israeli authorities escalated land confiscation in the West Bank since Israel's unilateral withdrawal from the Gaza Strip in August 2005. Furthermore, there was an increase in the building of illegal outposts, and granting of permits for the expansion of Israeli settlements, which are illegal under international law. The village of Bil'in was one of the hardest hit by land confiscation in order to construct the remaining parts of the Wall. The Israeli settlement of Modi'in Illit was being expanded on land belonging to Bil'in. However, land confiscation was not exclusive to Bil'in. According to 'Isa Jibril Rib'i from the village of Jinba, the locals of his village were handed military orders confiscating approximately 5,000 dunums (1 dunum = 1 square kilometre) of village land for the purpose of building the Annexation Wall (Al-Haq Affidavit No. 2709/2005).

Gates in the Wall were consistently problematic for Palestinians, especially around the areas of Qalqiliya and Toulkarem. It was difficult for residents with land located on the other side of the Wall to obtain permits to access those lands, thus directly affecting their livelihood. In addition, the opening and closing times of the gates, which should be regular, was in practice sporadic and unpredictable. According to Muhsen Mas'oud Khatib, who lives in Jayyous, even those who obtained permits were subjected to

At the beginning of 2004, the occupying authorities completed the construction of the Wall in our area. The Israeli occupying authorities issued military orders stating that every farmer who wants to cross through the gate (No. 753) to his land, has to obtain a permit. Like all other villagers, I applied through the Palestinian Liaison in Toulkarem to obtain a permit but the Israeli authorities rejected my application and refused to give me a permit, alleging that I was rejected for security reasons. Since then and until now, I have submitted around 20 applications to obtain a permit that allows me to go to my land, and every time the Israeli authorities have rejected my application for security reasons. I also attempted to obtain a magnetic card through three lawyers, but all my attempts have failed. I have never been arrested and I am not an activist nor affiliated to any political party. Currently, and for the past four years, I have not been able to pass through the gate in order to go to my land and take care of it.

Extract taken from Al-Haq Affidavit No. 2737/2005

Given by Ihsan Amin Mahmoud (resident of al-Ras, Toulkarem Governorate, West Bank)

delays of several hours, inspections, and curses while passing through the gates in either direction (Al-Haq Affidavit No. 2736/2005). The criteria for granting permits remained unclear and the process remained largely arbitrary. Ihsan Amin Mahmoud reported to Al-Haq how his family suffered because he was continuously refused a permit to access his land situated on the other side of the Wall.

Al-Haq's documentation during the reporting period revealed continued Israeli **settler violence** against and intimidation of Palestinians in the West Bank. A number of settler attacks have occurred against Palestinian property and sources of livelihood, particularly on olive trees and shops. In an incident that took place on 1 October 2005, Ibrahim 'Abd-al-Rahman Rajab was prevented from harvesting his olive crop by three armed settlers.

According to Kamal 'Abd-al-Rahman Ibrahim Shabana, from the village of Sinjel, on 13 November, Israeli settler girls attempted to steal sacks of olives, but were initially unsuccessful. They then came back escorted and protected by Israeli soldiers, cut up the sacks, and scattered the olives on the ground (Al-Haq Affidavit No.2651/2005). Despite the fact that many acts of violence and vandalism take place in the presence of Israeli occupying forces, the systematic refusal of the latter to intervene to prevent or punish such acts of violence has encouraged Israeli settlers to continue with their attacks. In most cases, no official measures are taken to investigate or punish those actions, which has only compounded the severity of the situation.

One of them started to talk with me while the other two were aiming their weapons at me. That settler (who talked to me) was in his thirties, bald, and spoke Arabic in a heavy accent. He asked me, "What are you doing here?" and I told him that I was picking olives. At that moment, he came closer to me, held my shirt, and tore it. Then he grabbed my pants, pulled them down, and also tore them while the other two settlers stood guard beside him. The same settler said, "I don't want to see you here again." Meanwhile, one of the other two settlers approached me and asked for my ID (in broken Arabic, too) and I gave it to him. He took it and tore it and threw it on the ground even without looking at it and asked me to leave my land by saying, "You have an hour – if we come back and find you here, we are going to kill you."

Extract from Al-Haq Affidavit No. 2631/2005

Given by Ibrahim 'Abd-al-Rahman Rajab (resident of Kufr al-Labad, Tulkarem Governorate, West Bank)

The last Al-Haq quarterly report mentioned that an Israeli campaign of **mass arrests** had begun in late September 2005. The campaign has taken place predominantly in the northern West Bank, in the towns of Jenin and Nablus. Israeli forces claimed that those arrested were "wanted" men, members of either Hamas or Islamic Jihad, and that the arrests were responses to attacks on Israeli troops from within these regions. The raids, usually carried out in the middle of the night, caused damage and destruction to the homes of those arrested, and imposed roadblocks, curfews, and power cuts. On 17 October 2005, using a series of overnight raids across the West Bank, the Israeli occupying forces arrested 18 Palestinians. On 1 November 2005, the Israeli forces similarly arrested 20 Palestinians. This pattern was repeated on 8 November 2005, when 20 more Palestinians were arrested.

These mass arrests entailed numerous cases of **administrative detention**. Under this common practice, the Israeli authorities arrest and detain a person, who is then held without trial or formal charges for indefinitely renewable periods of up to six months on the basis of "secret evidence." One of Al-Haq's fieldworkers, Ziyad Muhammad Shehada Hmeidan, was initially placed under administrative detention in June 2005 after being detained at Qalandiya checkpoint in May. After having his case reviewed in November, his detention was renewed until March 2006, when his case is scheduled to be reviewed again. Among the hundreds of other cases of administrative detainees, Ghassan Mahmoud Subuh, resident of the South Quarter, Tulkarem Governorate, West Bank, was arrested on 24 August 2003, and held for a total of 16 months without ever being given the reasons for his detention (Al-Haq Affidavit 2695/2005).

The Palestinian National Authority

Al-Haq also monitors the Palestinian National Authority's (PNA) respect for international human rights standards in the OPT. To the extent that some measure of control is exercised by the PNA over parts of the OPT, it is the responsibility of the PNA to enforce and maintain law there, through effective and lawful measures.

Over the reporting period, Al-Haq registered widespread acts of **vigilantism**, in which private actors use illegal coercive methods to achieve their own goals. There was insufficient enforcement by the PNA against vigilantes who broke the law and the overall situation was in a process of rapid deterioration. In the West Bank, tribal feuds were resolved through violence. On 1 October, for instance, Muhammad Yousef Muhammad Hleiqawi's father was killed in front of his wife (Al-Haq Affidavit No. 2588/2005). It was later discovered that the murderers were from a rival family, who were seeking revenge for a feud that dated back four years.

One of the most troubling trends was the significant increase in **kidnappings** of Palestinians and foreign nationals carried out in the OPT, particularly in the Gaza Strip. Kidnappings appeared to have become a means to achieve all kinds of personal or political ambitions. The PNA's general failure to hold the perpetrators accountable only encouraged the practice of kidnappings. For instance, Riyadh 'Abd-al-Latif 'Awad was abducted from his home in Toulkarem in the evening of 6 October 2005 by Palestinian kidnappers and kept blindfolded and under guard in a nearby location for several hours.

This situation continued until 2.00 am on Friday, 7 October 2005, when several people arrived and two men, including the one who was guarding me, helped me walk for approximately seven minutes without talking to me. We stopped and one of the men said, "We know that you are a respected man and we only want to apologise to you for what happened and hope that the men have not hurt you." I said, "There is no harm more than the harm that my family and I have sustained." I told them that the armed men assaulted my wife and daughters by beating them and asked them under which law this could take place. One of the men said, "You know the circumstances, and this operation is a message to Hamas." I said, "But this message was sent to the wrong address," meaning that I was not one of Hamas' symbols; therefore, a message to Hamas should not be sent through a person like me.

Extract from Al-Haq Affidavit No. 2594/2005

Given by Riyadh 'Abd-al-Latif 'Awad (resident of the Southern Quarter of Toulkarem City, Toulkarem Governorate, West Bank)



MONITORING AND DOCUMENTATION UNIT OCTOBER - DECEMBER 2005 STATISTICS

KILLINGS

Total of Killings	32
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Special target groups	
Death in custody	1
Targeted assassination	5
Assassination in custody	1
Death at checkpoints	3
Women	1
Children	4

Killings by District

Bethlehem	2
Hebron	-
Jenin	12
Jericho	-
Jerusalem	1
Nablus	11
Ramallah	1
Toukarem	5

Killings by Age Groups

Less than 12	1
13-17	3
18-25	17
26-35	7
36-50	2
Over 50	2

Killing by Perpetrator

Israeli Occupying Forces	
- Soldiers	23
- Special undercover units	2
- Snipers	1
Israeli Border Guards	1
Israeli Policemen	1
General Security Services	-
Settlers	-
Armed Israeli civilians	-
Collaborators	-
Others	4

Situation During Killing

Normal/calm	23
Incursion	-
Demonstration and stone-throwing	2
Armed clashes	6
Shelling	-
Closed military area	-
Bystanders killed during attempted assassination	-
Unclear	-
Curfew	1

Methods of Killing

Live bullet	27
Fragmented bullet	-
Rubber-coated metal bullet	-
Explosives and small missiles	1
Shrapnel	-
Mine	-
Tear gas	-
Blunt instrument	-
Sharp instrument	1
Missile	1
Others	2

HOUSE DEMOLITION FOR LACK OF LICENSE BY DISTRICT

Bethlehem	-
Hebron	-
Jenin	5
Jericho	-
Jerusalem	13
Nablus	-
Ramallah	-
Toukarem	-

CURFEWS

Curfew by District

District	Hours
Bethlehem	-
Jenin	70
Nablus	62
Toukarem	23
Jerusalem	-
Ramallah	-
Hebron	-
Jericho	-
Total:	171